

APPENDIX “A”

2008 FILING FEE SCHEDULE - DISTRICT COURT AND MAGISTRATE DIVISION DISTRICT COURT FILING FEES

COMMENCING A CIVIL ACTION

A civil action is commenced by filing a complaint, petition, application, or other document that begins a new civil lawsuit. A civil action is commenced if the clerk opens a new case file rather than filing the document in an existing case file. Whether a filing fee is charged does not depend upon the title or name of the document filed, but upon whether it commences a new case.

In a civil lawsuit, a party usually seeks to obtain an order or judgment from the court against another party. However, there are some times when a clerk will have to file a document, such as registering a trust, when it will not commence a lawsuit. In such instances, no filing fee will be charged.

Only one filing fee is charged even if the complaint, petition, or application includes two or more separate claims for relief. If the claims would have differing filing fees if they were filed as separate actions, then the appropriate fee is whichever is higher; for example, if one action was filed to have a marriage annulled or, if that were denied, to obtain a divorce, the appropriate filing fee would be the fee for filing a divorce action because it is higher than the filing fee for an annulment. Likewise, if one action was filed to compromise a minor’s claim and to appoint a conservator, the appropriate filing fee would be for the appointment of a conservator.

The fee for opening any civil case not found on this schedule is \$88.00.

APPEARING IN A CIVIL ACTION (Category I)

An appearance is the first document filed by a party (other than the plaintiff or petitioner) in an existing civil action, regardless of whether it is filed *pro se* or through counsel and regardless of the title of the document (e.g., “notice of appearance,” “answer,” “motion,” or other title).

If a party acting *pro se* has already filed an appearance in an action and then an attorney later files a “notice of appearance” to appear on behalf of that party, the attorney’s “notice of appearance” does not constitute an appearance for the purpose of assessing a filing fee because the party has already appeared in the action *pro se*.

Fee Category	Idaho Code Fund	Judges Retire. Fund	County Facility Fund	State	State/ Guard- ship Project Fund	County Dist. Ct. Fund	ISTARS Tech. Fund	Senior Mag. Judges Fund	Total
A. Civil Complaint for more than \$1,000	\$ 10.00	\$ 18.00	\$ 10.00	\$ 17.00		\$ 17.00	\$ 10.00	\$ 6.00	\$ 88.00
B. Civil Complaint for more than \$300, but not more than \$1,000	10.00	18.00	10.00	10.00		4.00	10.00	6.00	68.00
C. Civil Complaint for not more than \$300	10.00	18.00	10.00	9.00		3.00	10.00	6.00	66.00

Fee Category	Idaho Code Fund	Judges Retire. Fund	County Facility Fund	State	State/Guard-ship Project Fund	County Dist. Ct. Fund	ISTARS Tech. Fund	Senior Mag. Judges Fund	Total
D. Unlawful detainer, forcible detainer, forcible entry (with or without rent, regardless of the dollar amount)	10.00	18.00	10.00	10.00		4.00	10.00	6.00	68.00
E. Claim and Delivery	10.00	18.00	10.00	17.00		17.00	10.00	6.00	88.00
F. 1. Divorce (\$1.00 for court clerk fees I.C. § 39-266 & \$20 for the displaced homemaker account I.C. § 39-5009 & \$20 domestic violence project, I.C. § 39-5213) * This includes \$5.00 taken from the State General Fund fee, which shall be separately identified and deposited in the District Court Fund, for establishing a uniform system of qualifying counselors in domestic violence cases. I.C. § 31-3201A(q)	10.00	18.00	10.00	52.00		23.00*	10.00	6.00	129.00
2. Annulment, legal separation or establishing child support or custody without filing for divorce	10.00	18.00	10.00	17.00		17.00	10.00	6.00	88.00
3. Motion to reopen divorce action or to amend or modify divorce decree	10.00	18.00	10.00	15.00		17.00		6.00	76.00
4. Amended complaint to convert an action that was not one for divorce (e.g. separate maintenance) into an action for divorce (\$1.00 for court clerk fees I.C. § 39-266 & \$20 for the displaced homemaker account I.C. § 39-5009 & \$20 domestic violence project, I.C. § 39-5213)				41.00					41.00
G. 1. Petition to release common law or other lien						35.00			35.00
2. Habeas corpus by a person who is a prisoner, unless the court waives the fee, reduces it to a lesser amount or permits partial payments	10.00	18.00	10.00	17.00		17.00	10.00	6.00	88.00
H. Small Claims		18.00	10.00			7.00			35.00

Fee Category	Idaho Code Fund	Judges Retire. Fund	County Facility Fund	State	State/ Guard-ship Project Fund	County Dist. Ct. Fund	ISTARS Tech. Fund	Senior Mag. Judges Fund	Total
<p>The fees set out in Category I apply to the first document filed by a person <u>other than</u> the plaintiff or petitioner no matter what the document is entitled.</p> <p>I. Initial Appearance by persons other than the plaintiff or petitioner</p> <p>1. Civil cases not more than \$300</p> <p>2. Civil cases more than \$300 but not more than \$1,000</p> <p>3. Small claims</p> <p>4. Stipulation for entry of judgment</p> <p>5. Any objection or motion filed in a guardianship or conservatorship by the minor or alleged incapacitated person</p> <p>6. Appearing after judgment when the party has not previously appeared</p> <p>7. All other cases</p>	10.00			10.00		4.00	10.00	6.00	40.00
	10.00	18.00		10.00		4.00	10.00	6.00	58.00
									No fee
									No fee
									No fee
	10.00	18.00	10.00			9.00		6.00	53.00
	10.00	18.00		10.00		4.00	10.00	6.00	58.00
<p>J. Special motions, petitions and pleadings</p> <p>1. Order granting change of venue (pay to new county)</p> <p>2. Petition to reopen a case after no activity for one year, except for executions on judgment</p> <p>3. Petition for Intervention</p> <p>4. Renewing a judgment</p> <p>5 Third party complaint- This fee is <i>in addition</i> to any fee filed as a plaintiff initiating the case or as a defendant appearing in the case</p>						9.00			9.00
	10.00	18.00	10.00			9.00		6.00	53.00
	10.00	18.00	10.00			7.00		6.00	51.00
						9.00			9.00
						8.00		6.00	14.00

Fee Category	Idaho Code Fund	Judges Retire. Fund	County Facility Fund	State	State/Guard-ship Project Fund	County Dist. Ct. Fund	ISTARS Tech. Fund	Senior Mag. Judges Fund	Total
6. Cross Claim (defendant v. defendant or plaintiff v. plaintiff) This fee is <i>in addition</i> to any fee filed as a plaintiff to initiate the case or as a defendant appearing in the case						8.00		6.00	14.00
7. Counterclaim for divorce when the complaint did not allege a claim for divorce *(\$1.00 for court clerk fees I.C. § 39-266 & \$20 for the displaced homemaker account I.C. § 39-5009 & \$20 domestic violence project, I.C. § 39-5213)				*41.00					41.00
K. Juvenile and Family Matters									
1. Petition for adoption	10.00	18.00	10.00	10.00		4.00	10.00	6.00	68.00
2. Petition for termination of parent-child relationship	10.00	18.00	10.00	10.00		4.00	10.00	6.00	68.00
3. Consolidated adoption and termination of parent-child relationship	10.00	18.00	10.00	10.00		4.00	10.00	6.00	68.00
4. Petition for permission to marry	10.00	18.00	10.00	10.00		4.00	10.00	6.00	68.00
5. Paternity Action	10.00	18.00	10.00	17.00		17.00	10.00	6.00	88.00
6. Petition under Child Protection Act									
7. Petition for commitment of mentally ill									
8. Petition for sterilization									
9. Petition for judicial consent to abortion									No fee.
L. Probate matters – The following fees to be charged whether it be a probate of a single or joint estate									
1. Application for informal probate	10.00	18.00	10.00	17.00		17.00	10.00	6.00	88.00
2. Petition for formal probate	10.00	18.00	10.00	17.00		17.00	10.00	6.00	88.00
3. Administration of estate under 15-3-1205, Idaho Code and proceedings to determine heirship without administration			10.00	10.00		4.00	10.00	6.00	40.00

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In addition to the above fees under Category L, the following probate fees shall be collected from any person filing the following documents, whether or not the person has appeared previously:									
4. Demand for notice (not an appearance)						9.00			9.00
5. Demand for bond after appointment of personal representative						9.00			9.00
6. Petition for approval of compromise	10.00	18.00	10.00	10.00		4.00	10.00	6.00	68.00
7. Intermediate or final accounting of personal representative						9.00			9.00
8. Petition for distribution of estate				13.00		6.00		6.00	25.00
9. Cases where a court order is issued only for a specific reason other than administration of an estate				10.00		4.00	10.00	6.00	30.00
10. Filing of a copy of appointment of foreign personal representative									No Fee
11. Cases to determine inheritance tax in transfer	10.00	18.00	10.00	10.00		4.00	10.00	6.00	68.00
12. Filing of a renunciation									No Fee
M. Guardianship Matters									
1. Petition for appointment of guardian or receipt and acceptance of foreign guardianship	10.00	18.00	10.00	10.00	50.00	4.00	10.00	6.00	118.00
2. Consent to testamentary appointment as guardian without petition	10.00	18.00	10.00	10.00	50.00	4.00	10.00	6.00	118.00
3. Status reports					25.00				25.00
N. Conservatorship									
1. Petition for appointment of conservator or receipt and acceptance of foreign conservatorship	10.00	18.00	10.00	17.00	50.00	17.00	10.00	6.00	138.00

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2. Appeal or petition for judicial review, or cross-appeal or cross-petition, from commission, board or body to the district court	10.00	18.00	10.00	17.00		17.00	10.00	6.00	88.00
S. Foreign Judgment									
1. Filing foreign judgment						7.00			7.00
2. Motion or application of judgment debtor to stay execution	10.00	18.00		10.00		4.00	10.00	6.00	58.00
3. Filing a custody decree from another state under I.C. §32-1116									No Fee
4. Petition for entry of judgment on worker's comp award	10.00	18.00	10.00			9.00		6.00	53.00
T. Civil appeals or cross-appeals to the Supreme Court (District court fee \$9.00; Supreme Court fee \$86.00. The clerk of the district court shall collect the entire fee and remit the \$86.00 fee to the Supreme Court with a certified copy of the notice of appeal. Rule 23(b), I.A.R.)	(\$86.00 Sup. Ct)					9.00		6.00	101.00
U. Fee for opening any other civil case not listed on the schedule	10.00	18.00	10.00	17.00		17.00	10.00	6.00	88.00